

REMARKS

In the Office Action, the Examiner allows claims 21-31; states that claims 15-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; rejects claims 1-3, 6, and 8-11 under 35 U.S.C. §102(e) as being anticipated by Saito et al. (U.S. #6,125,186); rejects claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Saito et al. and further in view of Crick et al. (U.S. #5,675,793); rejects claim 7 under 35 U.S.C. §103(a) as being unpatentable over Saito et al. and further in view of Kavsan (U.S. #6,412,069); rejects claim 12 for the same reasons provided in the rejection of claims 1-4; and further rejects claims 13 and 14 under 35 U.S.C. §102(e) as being anticipated by Clapp et al. (US 2002/0087761 A1). The rejections are fully traversed below. Reconsideration of the application is respectfully requested based on the following remarks.

Claims 1, 8, 11, 13, and 16-20 have been amended to further clarify the subject matter regarded as the invention. Claims 12 and 15 have been canceled. Accordingly, claims 1-11, 13, 14, and 16-31 remain pending in this application.

ALLOWABLE SUBJECT MATTER

It is respectfully submitted that claims 17-20 are in condition for allowance since they have been rewritten in independent form including all of the limitations of the base claim and any intervening claims as pointed out by the Examiner. It is also respectfully submitted that independent claim 13 is allowable since it has been amended to include the allowable subject matter of canceled claim 15 of which claim 13 was the base claim. Further, claims 14 and 16 are in condition for allowance since they depend directly from claim 13.

PATENTABILITY OF CLAIMS 1, 8, AND 11

As amended, independent claim 1 is directed towards “a computer readable medium containing program instructions for configuring a first computer so that a first telephony client on the first computer may securely communicate with a second telephony client on a second computer via a communication path.” The computer readable medium includes “computer code for inserting a security algorithm within the communication path, the security algorithm facilitating secure communication between the first and second telephony clients such that each telephony client employs concurrently a different formatting algorithm.” (Support for the amendment can be found, among other places, on pg. 2 line 20 to pg. 3 line 5; pg. 8 lines 20-25;

pg. 9 lines 10-23). That is, the secure communication between the telephony clients is such that the first telephony client employs a first formatting algorithm while at the same time the second telephony client employs a second formatting algorithm, wherein the first and second formatting algorithms are different. One of the many advantages of the present invention is that secured communication is realized between telephony clients with different formatting algorithms. (See pg. 9 lines 10-23). Claims 8 and 11 contain at least some of these similar limitations.

In contrast, the cited art lacks the advantages of the present invention. Saito et al. generally discloses an encryption communication system between two terminals by using an agent and a storage medium for storing that agent. (See Abstract) As the Examiner notes in the Office Action, Saito et al. also discloses applications (telephony clients) that may include telephone, television conferences, video transmission, etc. (see column 3 lines 43-48; Fig. 1 numeral elements 13 and 16). However, Saito et al. explicitly discloses that the applications that are under encrypted communication are basically the same at both terminals (see column 3 lines 52-53; elements 13, 16 in Fig. 1; column 6 lines 4-6; elements 21, 31 in Fig. 5 and Fig. 6; elements 51, 55 in Fig. 15, Fig. 16, Fig. 17), which suggests that any formatting algorithm would also be the same at both terminals.

Although the Examiner also notes that the trusted agent in Saito et al. consists of an application interface section to absorb differences due to different operating systems when API depends on the operating system, Saito et al. still does not teach or suggest that secure communication is facilitated between applications with different formatting algorithms which are each present at one of the terminals. In other words, despite different operating systems, Saito et al. merely teaches secured communication between terminals with applications that are basically the same (e.g., same formatting algorithms per discussion above). Therefore, no matter whether the applications are telephone, television conferences, video transmission, etc. or whether the operating systems are different, the same application (e.g., telephone) with the same formatting algorithm must be used at both terminals during secured communication thereof. That is, different formatting algorithms are not used concurrently.

The Examiner further notes that the applications in Saito et al. require real-time (i.e., concurrent) processing, the Undersigned respectfully traverses this comparison to the word "concurrently" as used in the claims 1, 8, and 11. Saito et al. plainly refers to "real-time" applications in identifying certain types of application such as voice (audio) and images (video) (see column 1, lines 32-33). In addition, "real-time" processing is in reference to the type of data processing needed for certain applications (see column 11, lines 54-56). Saito et al. does not disclose whether the "real-time" applications, which require "real-time" processing, contain

different formatting algorithms and can be employed at the same time (i.e., concurrently) with other telephony clients of different formatting algorithms during secured communication thereof in the manner claimed. In fact, “real-time” is generally defined as “of or relating to computer systems that update information at the same rate as they receive data, enabling them to direct or control a process such as an automatic pilot” according to American Heritage Dictionary (<http://education.yahoo.com/reference/dictionary/entries/15/r0071550.html>). Therefore, based on the aforementioned remarks, Saito et al. fails to teach or suggest among other things “facilitating secure communication between the first and second telephony clients such that each telephony client employs concurrently a different formatting algorithm”. It is hereby respectfully submitted that claims 1, 8, and 11 are patentably distinct from Saito et al.

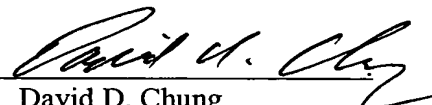
PATENTABILITY OF DEPENDENT CLAIMS 2-7 AND 9-10

The Examiner’s rejections of the dependent claims are respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-7 and 9-10 each depend either directly or indirectly from independent claims 1 or 8 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1 or 8. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

SUMMARY

It is respectfully submitted that all pending claims are allowable and that this case is now in condition for allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully requested,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended Twice) A computer readable medium containing program instructions for configuring a first computer so that a first telephony client on the first computer may securely communicate with a second telephony client on a second computer via a communication path, the computer readable medium comprising:

computer code for inserting a security algorithm within the communication path, the security algorithm facilitating secure communication between the first and second telephony clients such that **[more than a single type of] each telephony client[may be implemented] employs concurrently a different formatting algorithm.**

8. (Amended Twice) A method of configuring a first computer so that a first telephony client on the first computer may securely communicate with a second telephony client on a second computer via a communication path, the method comprising inserting a security algorithm within the communication path, the security algorithm facilitating secure communication between the first and second telephony clients such that **[more than a single type of] each telephony client[may be implemented] employs concurrently a different formatting algorithm.**

11. (Amended Twice) An operating system for use by a processor in directing operation of a computer upon which a first telephony client may execute to communicate with a second telephony client on a second computer via a communication path, the operating system comprising:

at least one processor-readable medium; and

a program mechanism embedded in the at least one processor-readable medium for causing the processor to facilitate secure communication between the first and second telephony clients such that **each[any combination of types of] telephony client[s may be implemented] employs concurrently a different formatting algorithm.**

13. (Amended Once) A computer readable medium containing programming instructions for a first telephony client having an associated formatting module to communicate securely with a second telephony client, the computer readable medium comprising:

computer code for receiving audio signals from an audio input device;

computer code for encrypting the received audio signals independently of the formatting module associated with the first telephony client, wherein the formatting module is different for different types of telephony clients and the encrypting is independent of telephony client type; and

computer code for outputting the encrypted audio signals for transmission to the second telephony client.

16. (Amended Once) A computer readable medium as recited in claim 13[5], wherein the first telephony client has a different type than the second telephony client.

17. (Amended Once) A computer readable medium [as recited in claim 13]containing programming instructions for a first telephony client having an associated formatting module to communicate securely with a second telephony client, the computer readable medium comprising:

computer code for receiving audio signals from an audio input device;

computer code for encrypting the received audio signals independently of the formatting module associated with the first telephony client, wherein the formatting module is implemented in a sound card driver that is configured to interface with a sound card that receives and outputs audio signals; and

computer code for outputting the encrypted audio signals for transmission to the second telephony client.

18. (Amended Once) A computer readable medium [as recited in claim 13]containing programming instructions for a first telephony client having an associated formatting module to communicate securely with a second telephony client, the computer readable medium comprising:

computer code for receiving audio signals from an audio input device;

computer code for encrypting the received audio signals independently of the formatting module associated with the first telephony client, wherein encrypting is also performed independently from a communication stack implemented by the first telephony client; and

computer code for outputting the encrypted audio signals for transmission to the second telephony client.

19. (Amended Once) A computer readable medium [as recited in claim 13]containing programming instructions for a first telephony client having an associated formatting module to communicate securely with a second telephony client, the computer readable medium comprising:

computer code for receiving audio signals from an audio input device;

computer code for encrypting the received audio signals independently of the formatting module associated with the first telephony client, wherein encrypting is performed independently from the first telephony client; and

computer code for outputting the encrypted audio signals for transmission to the second telephony client.

20. (Amended Once) A computer readable medium [as recited in claim 13]containing programming instructions for a first telephony client having an associated formatting module to communicate securely with a second telephony client, the computer readable medium comprising:

computer code for receiving audio signals from an audio input device;

computer code for encrypting the received audio signals independently of the formatting module associated with the first telephony client, wherein the encrypting implements an algorithm selected from a group consisting of an IDEA encryption algorithm, a DES encryption algorithm, a GOST algorithm, an RC5 algorithm, and a SEAL algorithm; and

computer code for outputting the encrypted audio signals for transmission to the second telephony client.